

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
MIDDLE DIVISION**

MAC EAST, LLC, )  
an Alabama Limited Liability )  
Corporation, )  
 )  
Plaintiff, )  
 )  
v. ) CIVIL ACTION NO.:  
 ) 2:05-CV-1038(F)  
 )  
SHONEY'S, INC., )  
a Tennessee Corporation, )  
 )  
Defendant. )

**MOTION FOR SUMMARY JUDGMENT**

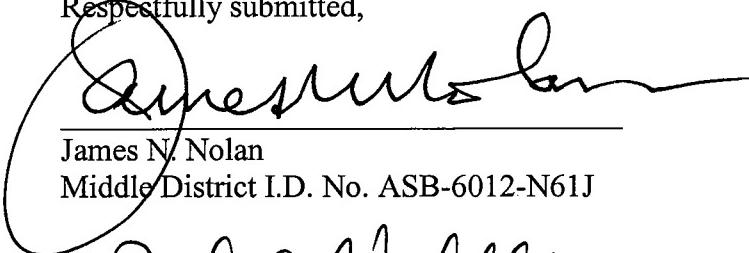
Pursuant to Fed. R. Civ., P. 56, defendant, Shoney's, LLC, as successor-in-interest to Shoney's, Inc., hereby moves for summary judgment on each of the claims asserted by plaintiff, Mac East, LLC. The evidence reveals that there are no genuine issues of material fact, and therefore, summary judgment is appropriate in this case. The grounds for this motion are fully set forth in the defendant's brief in support of the motion for summary judgment, filed contemporaneously herewith.

This Motion for Summary Judgment is based upon the following evidentiary materials:

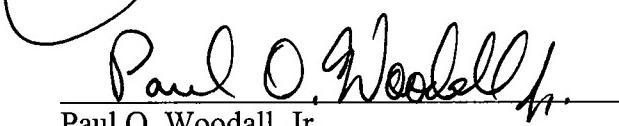
- 1) The pleadings in this case;
- 2) The Defendant Shoney's, LLC's First Set of Interrogatories, Requests for Production and Requests for Admission to Plaintiff, Mac East, LLC, which are attached hereto as Exhibit 1 (referred to as "**Shoney's First Discovery Request**");
- 3) Responses to Discovery submitted by plaintiff, Mac East, LLC, which are attached hereto as Exhibit 2 (referred to as "**Mac East's Responses to Discovery**"); and

- 4) Affidavit of Donna Power dated April 18, 2006, which is attached hereto as Exhibit 3 (referred to as the "**Power Affidavit**").

Respectfully submitted,

  
\_\_\_\_\_  
James N. Nolan

Middle District I.D. No. ASB-6012-N61J

  
\_\_\_\_\_  
Paul O. Woodall, Jr.

Middle District I.D. No. ASB-4297-O59P

Attorneys for defendant Shoney's, LLC

OF COUNSEL

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 18, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notification of such filing to the following:

Dennis R. Bailey, Esq.  
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s/ Paul O. Woodall, Jr.  
OF COUNSEL